IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DANIEL NORBERT HALTER,
        Plaintiff,   Civil Action No. 7:11-cv-00269

v.   **MEMORANDUM OPINION**
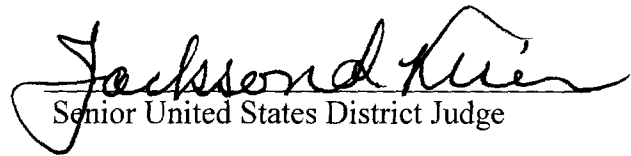
SGT. P. WALKER, et al.,   By: Hon. Jackson L. Kiser
        Defendants.   Senior United States District Judge

By Order entered June 13, 2011, the court assessed a $350.00 filing fee and granted

plaintiff fifteen days from the date of the Order to forward to the court a statement of his assets

and a report regarding his trust account for the six months prior to June 2011, signed by each

appropriate prison official where plaintiff was confined during that time so the court could

determine a payment schedule. Plaintiff was advised that failure to return the required

paperwork would result in dismissal of this action without prejudice.

Plaintiff filed his Complaint in June 2011. Plaintiff filed with his Complaint an Inmate

Account Report that reported the six month period before July 2011. The court sent plaintiff a

new Inmate Account Report form requesting information for the six-month period preceding

June 2011, but plaintiff filed a copy of the prior, inadequate Inmate Account Report describing

the six-month period before July 2011. Therefore, plaintiff did not comply with the conditional

filing order, despite the warning that his action may be dismissed without prejudice for

noncompliance, and the court cannot determine the appropriate filing fee assessment, pursuant to

28 U.S.C. § 1915(a). Accordingly, this action must be dismissed without prejudice for plaintiff's

failure to pay the filing fee or properly document his application to proceed in forma pauperis

after the court's order. Plaintiff may refile his claims in a new and separate action at the time he

can pay the $350 filing fee or file the necessary documents to proceed in forma pauperis.

The Clerk is directed to send a copy of this Memorandum Opinion and the accompanying

Order to plaintiff.

ENTER: This _____ day of September, 2011.

Senior United States District Judge